

BIRMINGHAM CITY COUNCIL

**REPORT OF THE ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

16 MAY 2019
ALL WARDS

UPDATE REPORT ON UNAUTHORISED ENCAMPMENTS

1. Summary

- 1.1 This report provides Committee with an update on work being undertaken to improve the response to unauthorised encampments in the city since the last report on the 8th January 2019.

2. Recommendations

- 2.1 That the report is noted and outstanding minute number 1114 be discharged.
- 2.2 That Committee requests a further report to be brought in 3 months to update on the various work items contained within this report.

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3. Background

- 3.1 This report is an update on activities since the last report to your Committee on 8th January 2019.
- 3.2 An unauthorised encampment is one which is established on land without the express permission of the landowner. The groups responsible generally comprise elements of Gypsy, Romany, Traveller or other ethnic groupings and are collectively known colloquially as “travellers” or more correctly GRT.

Proposed Transit Sites

- 4.1 As previously reported, colleagues in Housing and Economy Directorates have applied for capital funding to bring the two transit sites in the BDP forward and into operational use, Proctor Street and Hubert Street, Nechells. Currently £50k has been approved from the Homes England Grant and a further capital expenditure of £290k has been identified for 2019/20 and 2020/21 to bring all of this work forward.
- 4.2 The relevant authorities to spend the capital monies and draw down on the grant monies have been sort and are now in place. At the end of April, an order was placed with contractors to initiate the 16 week project to deliver the Proctor Street development. It is anticipated that the Proctor Street transit site should be commissioned and operational in July 2019.
- 4.3 The work stream to bring Tameside Drive transit site back into operational use proceeds slowly. As previously advised, this matter has now been forwarded to Legal Services as it does not appear to be able to be completed by way of negotiated agreement. A formal procedure has now started with initial letters going to the residents occupying Tameside Drive. The intention is to accommodate the existing residents on the site with permanent tenancy agreements and the remainder of the site to be converted to a transit site. This can only be delivered once appropriate tenancy agreements are in place.
- 4.4 Further investigations have been made into Aston Brook Street, where there is one caravan on this proposed site too. It has been confirmed that there has been a caravan on this site for more than 10 years. Therefore similar to Tameside Drive, we have tried to make contact with the resident with a view to understanding who is occupying the caravan and, if necessary, formalizing a tenancy there and then the remainder of the site will be developed.

5. Injunctive Action

- 5.1 An injunction is a legal remedy obtained in a civil or criminal court. It takes the form of a Court Order that compels a named person or an identified group to refrain from specific acts. All of the injunctions currently obtained by your officers have been obtained under antisocial behavior powers and have the power of arrest attached. A person that fails to comply with an injunction may be fined, imprisoned or have their assets seized.

- 5.2 Currently all of the injunctions that your officers have applied for have been obtained from the High Court in Birmingham. The injunctions for the 9 parks will expire on the 14th July 2019. However we have sufficient evidence of the success of this injunction in protecting the named parks from unauthorised encampments to make an application for this injunction to be extended by a further 2 years.
- 5.3 During this application every effort will be made to also extend the coverage of the injunction so that it covers all of the city's open spaces as the opening of a transit site will give an alternative stopping facility to the GRT community visiting Birmingham.

6 Gypsy, Romany, Traveller Needs Assessment

- 6.1 A GRT needs assessment was undertaken for inclusion in the 2014 Birmingham Development Plan (BDP). The Gypsy and Traveller Accommodation Assessment is attached in the appendix to this report. The Gypsy and Traveller Accommodation Assessment identifies at 8.2 (Page 59 of the appendix) that;

“In summary there is a need for 19 additional pitches in Birmingham over the GTAA period to 2033 for Gypsy and Traveller households that met the planning definition”.

This need therefore will almost be met by the Proctor Street development with sixteen predicted pitches. The project work for both Aston Brook Street and Tameside Drive will need to be completed as soon as practicable between now and 2033.

- 6.2 This report will assist in the proportionality assessment for the city-wide injunction in 5.3 above that is aimed at protecting all our parks as it will enable us to demonstrate there are sufficient alternative and more appropriate space is available to be used by the GRT community.

7. Consultation

- 7.1 The report is for information and, therefore, no consultation has been undertaken.
- 7.2 Information continues to be made available to MPs and elected members to offer support in reducing the impact on communities that unauthorised encampments have and to reduce the burden on land owning departments.

8. Implications for Resources

- 8.1 Regulation and Enforcement is responsible for the assessments leading up to legal action, the service of notices and arrangement of resources for an eviction to occur. The default costs (bailiff actions), the repair of land and its cleansing, is borne by the land owning departments. The Environmental Health resources employed in

carrying out the work detailed in this report are contained within the approved budget available to your Committee.

9. Implications for Policy Priorities

- 9.1 This work supports the Regulation and Enforcement Division's mission statement to provide 'locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors'.

10. Public Sector Equality Duty

- 10.1 The management of unauthorised encampments is a process that affects groups and individuals who are (mostly) from specific and defined ethnic minorities e.g. Romany Gypsies, Irish Travelers.

ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil